

J. Sanford
7-25-02
7/18/02

9D-HR-19764
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Taylor et al.

Serial No.: 09/682,857 ✓

Filed: October 25, 2001

For: REFRIGERATION CASE CLIP
ASSEMBLY METHOD AND
APPARATUS

:
: Art Unit: 3677
:
: Examiner: Hansen, James Orville
:
:

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

JUL 23 2002

GROUP 3600

The Office Action mailed June 27, 2002 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-23 are now pending in this application. Claims 1-23 are subject to a restriction requirement.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

A restriction to either invention I, consisting of claims 1-15 drawn to a refrigeration cabinet, classified in Class 312, subclass 406.2, or invention II, consisting of claims 16-23, drawn to a method for fabricating a cabinet, classified in class 29, subclass 428+ or 700+, was imposed. In response, Applicants confirm the election with traverse to prosecute the invention of Group I, claims 1-15.

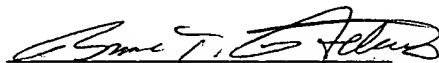
The requirement for election is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of

either Group would be relevant to the examination of the other Group and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. 121. Accordingly, reconsideration of the election requirement is requested.

Additionally, Applicants note that the "materially different process" suggested in the Office Action for making the product recited in Claim Group 1 is in apparent contradiction to the recitations of Group I. More specifically, the materially different process noted in the Office Action includes an integral casing shell, bottom mullion and bottom panel, while at least Claims 5, 6 and 11 recite press fit attachment of at least some of these components. Thus, the process noted in the Office Action would not result in the product recited in at least some of the Claims in Group I. At least for this reason, Applicants respectfully submit that the restriction requirement is improper and should be withdrawn.

Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Bruce T. Atkins
Registration No. 43,476
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

07-19-02

GP # 3677
PATENT
9D-HR-19764

IN THE UNITED STATES OFFICE OF PATENTS AND TRADEMARKS

Applicant: Taylor et al.

Serial Number: 09/682,857

Filed: October 25, 2001

For: REFRIGERATION CASE CLIP ASSEMBLY
METHOD AND APPARATUS



:
: Group Art Unit: 3677
:
:
: Examiner: J. Hansen
:
:

RECEIVED

JUL 23 2002

GROUP 3600

CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER OF PATENTS AND TRADEMARKS


Express Mail mailing label number: EL817716661US

Date of Mailing: July 17, 2002

I certify that the documents listed below:

- Response To Restriction Requirement (2 pgs.)
- Return post card

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.



Bruce T. Atkins, Reg. No. 43,476
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102
314-621-5070